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**D.J. Electrical Contracting, Inc. and International
Brotherhood of Electrical Workers Local Union
141.** Case 8–CA–21970

July 9, 2002

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS LIEBMAN, COWEN, AND BARTLETT

The General Counsel seeks summary judgment in this case on the ground that the Respondent has withdrawn its answer to the amended compliance specification.

On July 22, 1991, the Board issued a Decision and Order,¹ which directed the Respondent to make whole certain of its unit employees for loss of earnings and other benefits resulting from their discharges and denial of steady employment in violation of the Act. A controversy having arisen over the amount of backpay due the discriminatees, on February 2, 2001, the Regional Director issued an amended compliance specification² and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. The Respondent filed an answer to the amended compliance specification on February 26, 2001. Subsequently, however, on October 19, 2001, the Respondent withdrew its answer and stipulated that it owes the individuals named in the specification the amounts set forth therein.

On February 5, 2002, the General Counsel filed with the Board a Motion for Summary Judgment, with exhibits attached. On February 7, 2002, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. Accordingly, the allegations in the motion and in the amended compliance specification are undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specifica-

tion. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent has withdrawn its answer to the amended compliance specification. The legal effect of this withdrawal is the same as if the Respondent had never filed an answer to the amended compliance specification. In the absence of an answer, we deem the allegations in the amended compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order payment by the Respondent of those amounts to the discriminatees, plus interest accrued on the amounts to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, D. J. Electrical Contracting, Inc., Neffs, Ohio, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, plus interest and minus tax withholdings required by Federal and State laws:

John Welshans	\$52,971
Dana Bonar	30,584
Jay C. LaRoche	57,046
John Blacker	23,226
Paul Kartman	72,654
TOTAL:	\$236,481

Dated, Washington, D.C. July 9, 2002

Wilma B. Liebman,	Member
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William B. Cowen,	Member
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Michael J. Bartlett,	Member
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(SEAL) NATIONAL LABOR RELATIONS BOARD

¹ 303 NLRB 820. On January 8, 1993, the United States Court of Appeals for the Sixth Circuit entered its judgment enforcing the Board's Order.

² The original compliance specification in this matter issued on May 9, 1997.